

Steven Cade OSB #106466
E-mail: steven@cadelaw.com
621 SW Morrison, Suite 700
Portland, Oregon, 97204
Phone: (503) 972-9410
Fax: None

Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT DISTRICT OF OREGON EUGENE DIVISION	
KATHLEEN ROBERTS, Plaintiff, v. FISHING ROCK OWNERS' ASSOCIATION, INC., an Oregon Corporation, GAIL OHM, an individual, JOHN OHM, an individual, VICKIE ROBERTS, an individual, DON ROBERTS, an individual, Defendants.	Case No.: 11-6292-TC PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIM

In answer to the counterclaim of Defendants Fishing Rock Owners' Association, Inc.,
Gail Ohm, John Ohm, Vickie Roberts, and Don Roberts ("Defendants") Plaintiff Kathleen
Roberts alleges as follows:

Page 1 – PLAINTIFF'S ANSWER TO
DEFENDANTS' COUNTERCLAIM

Steven F. Cade, Attorney at Law
621 SW Morrison, Ste 700, Portland, OR 97204
Tel: (503) 972-9410

1. Replying to Defendants' counterclaim for attorney fees (Answer, ¶93), plaintiff admits that ORS 659A.885 and USC §3613 are reciprocal attorney fee provisions, but denies the remainder of the paragraph, specifically denying that the factual basis for an award of such fees exists in this case.

AFFIRMATIVE DEFENSES

First Affirmative Defense

(Failure to State a Claim)

2. Defendants have failed to allege facts sufficient to constitute one or more claims against plaintiff.

Second Affirmative Defense

(Good Faith)

3. Plaintiff brought all of her claims in good faith.

PRAYER

WHEREFORE, Plaintiff prays that:

- A. Defendants' counterclaim be dismissed;
- B. Plaintiff have judgment against Defendants on the claim set forth in the counterclaim, and for an award of costs, disbursements, and attorney fees incurred herein;
- C. The court grant such other relief as it deems just and appropriate.

DATED this 3d day of January, 2012.

/s/ _____

Steven Cade, OSB #106466
(503) 972-9410
Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 3d, 2012, I served the foregoing **PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIM** on the following parties:

Tamara E. Russell
Barran Liebman LLP
601 SW Second Avenue, Suite 2300
Portland, OR 97204-3159

Counsel for Defendants Fishing Rock
HOA, Gail Ohm, John Ohm, Don Roberts,
and Vickie Roberts.

By electronically filing the **PLAINTIFF'S ANSWER TO DEFENDANTS' COUNTERCLAIM** in the Court's ECF System.

/s/ _____
Steven Cade, OSB #106466
(503) 972-9410
Of Attorneys for Plaintiff